

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY SP D.C.

05 AUG 12 PM 3:29

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN. JACKSON

JEFFREY B. PULLEY AND LEIGH  
BRIDGES, individually, AND THE  
ESTATE OF JAMES ODIE PULLEY,  
by personal representative, LEIGH  
BRIDGES,

Plaintiffs,

v.

No. 05-1135-T-An

JOE SHEPARD, GIBSON COUNTY  
SHERIFF, CHUCK ARNOLD, CHIEF  
DEPUTY OF GIBSON COUNTY  
SHERIFF'S DEPARTMENT, KENNETH  
SIMS, DEPUTY OF GIBSON COUNTY  
SHERIFF'S DEPARTMENT, SHERRY  
SMITH, CHIEF JAILER OF GIBSON  
COUNTY SHERIFF'S DEPARTMENT,  
LARRY COMBS, DEPUTY OF GIBSON  
COUNTY SHERIFF'S DEPARTMENT,  
JOHN AND JANE DOE, GIBSON  
COUNTY SHERIFF'S DEPARTMENT,  
AND GIBSON COUNTY, TENNESSEE,

Defendants.

---

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

---

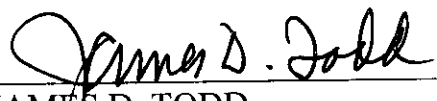
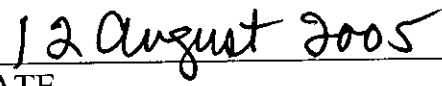
The plaintiffs filed this action against Defendants Joe Shepard, Sheriff of Gibson  
County, Chuck Arnold, Chief Deputy of Gibson County Sheriff's Department, Kenneth

4

Sims, Deputy of Gibson County Sheriff's Department, Sherry Smith, Chief Jailer of Gibson County Sheriff's Department, Larry Combs, Deputy of Gibson County Sheriff's Department, John and Jane Doe, Gibson County Sheriff's Department, and Gibson County. Before the court is defendants' motion to dismiss all claims against the Gibson County Sheriff's Department. Plaintiff has not filed a response to defendants' motion to dismiss.

Defendant seeks dismissal of plaintiff's claims against the Gibson County Sheriff's Department because it is not a proper party to this suit. Both the Sixth Circuit and this court have held that police departments are not legal entities which may be sued. See Matthews v. Jones, 35 F.3d 1046, 1049 (6th Cir. 1994); Phebus v. City of Memphis, 340 F. Supp. 2d 874, 878 (W.D. Tenn. 2004). Therefore, the court GRANTS the motion to dismiss the Gibson County Sheriff's Department as a defendant.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01135 was distributed by fax, mail, or direct printing on August 15, 2005 to the parties listed.

---

James I. Pentecost  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Benjamin S. Dempsey  
LAW OFFICES OF BENJAMIN S. DEMPSEY  
P.O. Box 711  
Huntingdon, TN 38344

Honorable James Todd  
US DISTRICT COURT